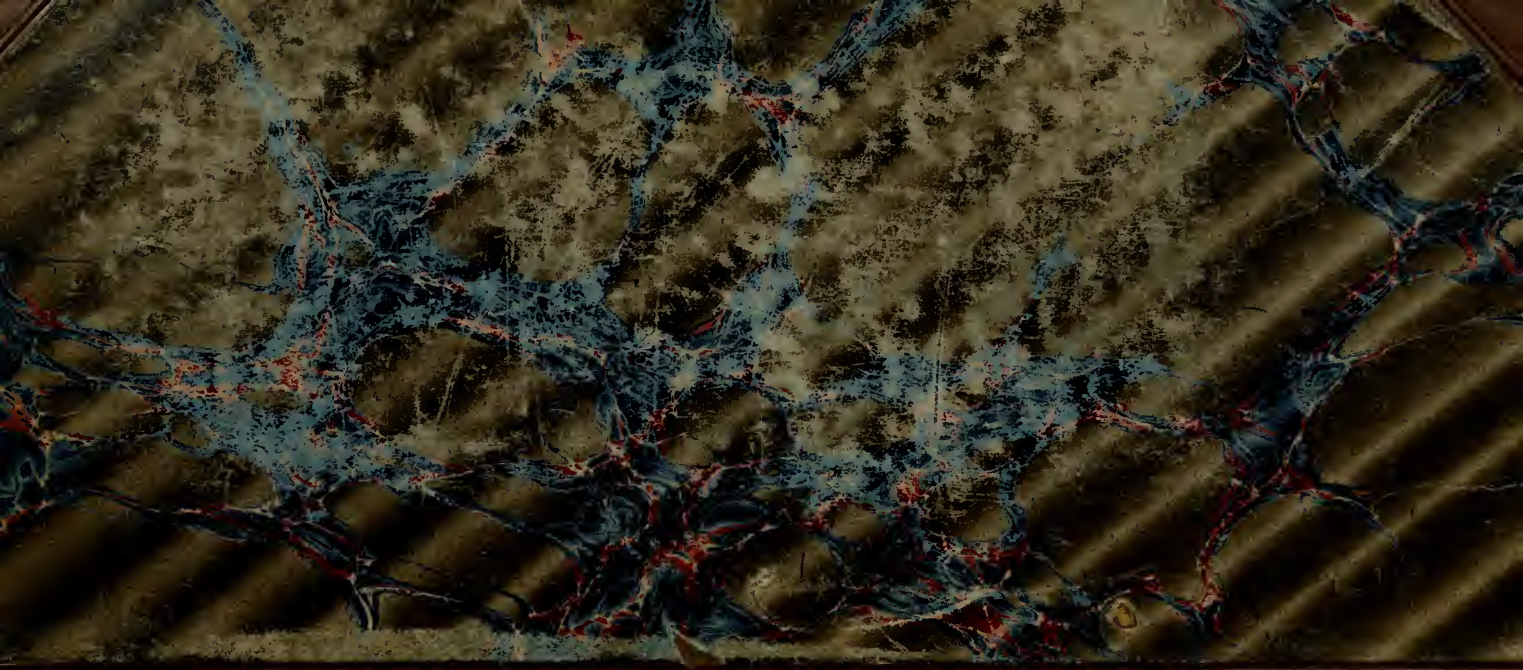

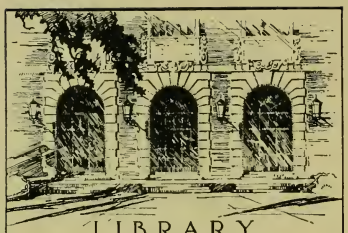

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[*This Memorandum, with its references, was prepared for the use of the Committees on the Business of the House of Commons which sat in* 1871 *and* 1878. *It now includes the suggestions made to the latter Committee.*]

W. Rathbone

Private.]

MEMORANDUM

OF

PROPOSALS

MADE AT VARIOUS TIMES FOR FORWARDING

THE DESPATCH OF

PUBLIC BUSINESS IN PARLIAMENT.

The object of improvements in the conduct of Public Business should be to let the House understand exactly what questions they will have to discuss, and to prevent surprises, and also to give some certainty to our proceedings.—Lord Eversley. *Evidence before Select Committee of* 1854 *on the Business of the House, page* 55.

1881.

VACHER & SONS, PRINTERS, 29, PARLIAMENT STREET, AND 62, MILLBANK STREET, WESTMINSTER.

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MEMORANDUM of PROPOSALS made at various times for promoting the DESPATCH of PUBLIC BUSINESS in PARLIAMENT with reference to the REPORTS and PROCEEDINGS from the SELECT COMMITTEE on PUBLIC and PRIVATE BUSINESS, 1837, the SELECT COMMITTEE on PUBLIC BUSINESS 1848, the SELECT COMMITTEE on the BUSINESS of the HOUSE 1854, the SELECT COMMITTEE on the STATUTE LAW COMMISSION, 1857, the SELECT COMMITTEE on the BUSINESS of the HOUSE 1861, DITTO HOUSE of LORDS, the JOINT COMMITTEE of the HOUSE of LORDS and the HOUSE of COMMONS on the DESPATCH of BUSINESS in PARLIAMENT 1869, the SELECT COMMITTEE on the BUSINESS of the HOUSE 1871, and the SELECT COMMITTEE on PUBLIC BUSINESS 1878.

Proposals.	References.
1. Instructions and Model Bills to be circulated amongst Draftsmen.	SELECT COMMITTEE 1857. p. 23. Mr. G. K. Rickards. p. 52. Sir T. Erskine May.
2. All Public Bills and Amendments thereon to be revised by a legal officer.	SELECT COMMITTEE 1857. p. 4. Mr. W. Coulson. p. 25. Mr. G. K. Rickards. p. 32. Mr. H. B. Ker. p. 49. Sir T. Erskine May. p. 86. Mr. G. Goode.
3. The officer to be the same person for both Houses.	SELECT COMMITTEE 1857. p. 25. Mr. G. K. Rickards. p. 55. Sir T. Erskine May.

Proposals.	References.
4. Leave to introduce Bills to be refused in certain cases.	Select Committee 1878. p. 66 (Questions 608, 656). Mr. Speaker. [Matter of practice. No resolution necessary.] p. 70 (Question 660). Mr. Speaker. [If this practice were revived, Members whose Bills were refused would not feel that it was an act of discourtesy.] p. 73 (Questions 661-668).
5. Any three Members depositing a Bill in the Public Bill Office, and placing their names on the back of it, may have it printed and circulated.	Select Committee 1878. p. iv. Report Resolution (4). p. 17 (Questions 161-163). Sir T. E. May. p. 66 (Question 608). Mr. Speaker. p. 71 (Questions 675, 676). Mr. Speaker. [As to depositing Bill in Public Bill Office.] p. 72 (Question 687). Mr. Speaker. [Quite new principle for the House to order matter to be printed of which it had no cognizance.] p. 74 (Question 712). Mr. Speaker. [No objection to a Bill being printed at the expense of a Member if House so authorises].
6. On going into Committee of Supply Speaker to leave the Chair without discussion.	Select Committee 1854. p. iv. Report. p. xi. Sir John Pakington. p. 17. Mr. E. P. Bouverie. [No discussion except upon the question that "Mr. Speaker do now leave the Chair."] p. 37. Sir T. Erkine May. [Provided the Army, Navy and Ordnance Estimates, or the Civil Service Estimates, having been respectively referred to such Committee, and partly considered therein, be appointed for further consideration on that day.]

Proposals. **References.**

p. 55. Mr. Speaker. [Unless previous notice of amendment to the question that "Mr. Speaker do leave the Chair."]

Select Committee 1861.

p. iv. Report.

p. 4. Mr. Speaker. [The House having once gone into Committee on the four great heads of the Army, the Navy, the Revenue Departments, and the Civil Service.]

p. 38. Mr. W. N. Massey. [Ditto].

Select Committee 1871.

p. iii. Report. [One day in the week (not Thursday or Friday) to be fixed on which House should go into Committee of Supply at once without motions preceding it.]

p. 4 (Question 19). Sir T. E. May.

p. 28 (Question 295). Mr. Speaker.

Select Committee 1878.

p. iv. Report Resolution (1). [When Supply or Ways and Means stands as first Order on Monday, Speaker to leave Chair without putting any question.]

p. 1 (Question 2). Sir T. E. May.

p. 5 (Question 28). Sir T. E. May. [Personally should prefer proposal to apply to any day on which Government Orders of the Day have precedence, and Supply stands as first Order.]

p. 10 (Question 87). Sir T. E. May. [If Friday were maintained as a Supply night, quite enough opportunity would be afforded for the discussion of grievances.]

p. 42 (Question 367). Mr. Speaker. [Valuable in producing order and certainty, but possibly open to objection that, if Supply were down for every Monday, supplies

Proposals.	References.
	might be voted without Members of the House having an opportunity of raising any Amendments.]
	(Question 367). Mr. Speaker. [Prefers Resolution of 1872.] (*See* Questions 368, 548, 549.)
	p. 44 (Questions 381-396). Mr. Speaker. [Opportunity of raising irrelevant Amendments would be shut out.]
	p. 46 (Questions 409-418). Mr. Speaker. [Difficulty of limiting character of Amendments.]
	p. 47 (Questions 419-427). Mr. Speaker. [Postponing Amendments to stage of Report merely transposes waste of time.]
	p. 51 (Question 449). Mr. Speaker). [Government should have the choice of either Monday or Thursday.]
	p. 51 (Question 454). Mr. Speaker. [Prefers Minister's Statement to be made with Speaker in the Chair, if Resolution of 1872 adopted.]
	p. 51 (Question 456). Mr. Speaker. [After Minister's Statement, Members might bring forward their Motions].
	p. 54 (Question 500). Mr. Speaker. [This plan would curtail opportunities of raising grievances when irrelevant.]
	p. 55 (Question 510). Mr. Speaker. [Entering upon Supply early would to some extent obviate necessity for Votes on Account.]
7. Principle of a Bill not to be rediscussed after Second Reading.	Select Committee 1848. p. 3. Mr. Speaker. Select Committee 1854. p. v. Report. p. x. Sir John Packington. pp. 35, 36. Sir T. Erskine May.

Proposals.	References.
	Select Committee 1871. pp. 5, 6 (Questions 36-40). Sir T. E. May. p. 19 (Question 204). Sir T. E. May. p. 31 (Question 312). Mr. Speaker.
8. Select Committees to be chosen by a Committee of Selection, expressly appointed for that purpose.	Select Committee 1854. p. 41. Sir T. Erskine May. pp. 49-58. Mr. Speaker.
9. The number of a Select Committee to be reduced from 15 to 11.	Select Committee 1854. p. 41. Sir T. Erskine May. p. 58. Mr. Speaker. Select Committee 1871. p. 10 (Questions 82-84). Sir T. E. May.
10. Member moving for a Select Committee to be *ex officio* Member thereof.	Select Committee 1854. p. 58. Mr. Speaker.
11. Grand Committees might be constituted for consideration of Public Bills.	Select Committee 1871. p. 6 (Questions 41-45). Sir T. E. May. [All who came should have voices. It might sit independently of sittings of the House. Question 41.] [House might reserve power to deal with Report of Committee just as it now deals with Report of Committee of whole House. Question 45.] p. 11 (Question 98). Sir T. E. May. [Committee of Supply to be Committee of whole House.] p. 17 (Question 183). Sir T. E. May. p. 18 (Question 190). Sir T. E. May. [House divided according to nature of subjects.] p. 23 (Questions 249-251). Sir T. E. May. [Bills of primary importance should be discussed in Committee of whole House.

Proposals.	References.
	These occupy the longest time. This points to expediency of referring Bills not involving party considerations to these Committees.]
	pp. 32-33 (Question 328). Mr. Speaker.
12. Bills referred to a Select Committee not to be re-committed to Committee of whole House unless so ordered.	Select Committee 1854.
	p. x. Sir John Pakington.
	p. 31. Sir T. E. May.
	p. 49. Mr. Speaker [in particular cases].
	Select Committee 1861.
	p. viii. Report.
	p. xii. Ditto [recommended by Committee].
	pp. 19-21. Mr. Speaker. [Parts of the Bill to which exception was taken might be re-committed.
	Select Committee 1871.
	pp. 18, 19 (Questions 195, 196). Sir T. E. May.
	p. 32 (Question 321). Mr. Speaker. [If the House was to decide that a division of labour should take place ; Report might be proceeded with, if no motion made to re-commit Bill.]
	Select Committee 1878.
	pp. iii, iv. Report. [Not necessary to make any new order for the purpose of enabling the House to exercise its undoubted right of negativing or omitting the stage of Committee. The practice may be conveniently reverted to in the case of Consolidation Bills, and of some others.]
	p. 22 (Questions 203-207). Sir T. E. May. [Unless any Member moved the re-commitment of the Bill.]
	p. 22 (Question 208). } Sir T. E. May.
	p. 25 (Question 233). } [Facilities for passing Consolidation Bills.]

Proposals.	References.
	p. 74 (Question 713). Mr. Speaker. [Attaches very great importance to it. Generally concurs in all Sir T. E. May's evidence on the matter.]
	p. 76 (Questions 726, 727). Mr. Speaker. [If adopted, Select Committees should be appointed in a different manner from present practice.]
	p. 76 (Questions 726-731). Mr. Speaker. [Manner of appointing such Select Committees.]
13. Motion for adjournment to be made without debate.	Select Committee 1848.
	p. 1. Mr. Speaker.
	p. 13. Mr. E. Curtis, of New York. ["previous question" in the United States Congress.]
	Select Committee 1854.
	p. 43. Sir T. E. May. [Explanation should be permitted, but not debate.]
	Select Committee 1861.
	p. xi. Report.
	p. 44. Mr. W. N. Massey.
	Select Committee 1878.
	p. 36 (Question 323). Mr. Speaker. [There is considerable difficulty in the matter.]
14. After two motions for adjournment question to be peremptorily put.	Select Committee 1871.
	p. 7 (Question 53). Sir T. E. May. [After two motions for adjournment had been negatived competent for Member to move "that the question be now put," which should be decided without amendment or debate.]
15. In Committee of whole House no Member to move more than once during debate on the same question that the Chairman do report	Select Committee 1878.
	p. iv. Report Resolution (5).
	p. 26 (Questions 244-253). Sir T. E. May. (Question 247). [The operation of the rule is limited; but, as far as it goes, it seems to be in the right direction.]
	p. 82 (Questions 804, 805). Mr. Raikes.

Proposals.	References.
progress or that the Chairman do leave the chair, nor to speak more than once to each separate motion; and that no Member who has made one of those motions have power to make the other on the same question.	
16. Adjourned debate to be resumed on next sitting day, and to have precedence over all other business.	SELECT COMMITTEE 1848. p. vii. Report. SELECT COMMITTEE 1871. p. 2 (Questions 5, 6). Sir T. E. May.
17. Motion for adjournment not to be repeated within the hour, and division only to be taken on the demand of twenty-one Members.	SELECT COMMITTEE 1848. p. 1. Mr. Speaker.
18. On Tuesday and Thursday, when there is a morning sitting, House to be adjourned at 12 o'clock at night.	SELECT COMMITTEE 1854. p. 15. Mr. E. P. Bouverie. p. 40. Sir T. E. May.
19. When House meets at 4 o'clock, opposed business not to be brought on after 12.30 o'clock.	SELECT COMMITTEE 1871. p. iii. Report. p. 5 (Questions 31-33). Sir T. E. May. p. 15 (Question 152). Sir T. E. May. p. 19 (Question 203). Sir T. E. May. p. 29, 30 (Questions 297, 307) Mr. Speaker.

Proposals.	References
	Select Committee 1878. p. 32 (Question 300). Sir T. E. May. [It is better that it should be made a Standing Order than to have a debate on it every year.] pp. 32, 33 (Questions 301-311). Sir T. E. May. p. 33 (Questions 309 and 311). Sir T. E. May. [Wednesday "quarter to six" rule is the better one of the two. On Wednesday Members must be present to take exception to opposed business being brought on. After "half-past twelve" notice standing on paper stops its coming on.] p. 80 (Question 783). Mr. Speaker. [Not personally favourably disposed to the rule, but as it is generally approved, not willing to state objections.] p. 80 (Questions 784-803). Mr. Speaker.
20. When House meets at a quarter before 4 o'clock public business to commence at a quarter past 4: provided private business and petitions be disposed of.	Select Committee 1871. p. iii. Report. p. 15 (Question 154). Sir T. E. May.
21. Tuesdays should be appropriated alternately to Notices and Orders of the day.	Select Committee 1871. pp. 7, 8 (Question 57). Sir T. E. May. [Notices to stand first for Tuesdays up to 1st May; from 1st May to 1st July Orders to stand first]. p. 36 (Question 365). Mr. Speaker.
22. There should be some certainty with regard to the business which is to occur on each particular day.	Select Committee 1871. p. 28 (Question 295). Mr. Speaker.

Proposals.	References.
23. Lords Amendments to Bills should invariably be printed, and should not be taken without notice.	Select Committee 1878. p. v. Report Resolution (9).
24. House not to be counted out before a quarter past 9 o'clock after morning sitting.	Select Committee 1871. p. iii. Report. p. 8 (Question 60). Sir T. E. May. p. 14 (Questions 147, 148). Sir T. E. May. p. 18 (Question 193). Sir T. E. May. p. 22 (Question 234). Sir T. E. May. [Discussion should go on but no vote should be taken until 40 Members were present]. p. 31 (Question 311). Mr. Speaker. Select Committee 1878. p. v. Report Resolution (8). p. 31 (Question 296). Sir T. E. May.
25. Member taking notice of less than 40 Members being present should do so publicly.	Select Committee 1871. p. 17 (Question 174). Sir T. E. May. p. 33 (Question 334).
26. House not to sit more than 11 hours out of the 24 when House meets in the evening, and not more than 11 when both morning and evening.	Select Committee 1861. p. xi. Report.
27. House to sit in Committee of whole House two mornings in the week.	Select Committee 1854. p. 16. Mr. E. P. Bouverie. p. 32. Sir T. E. May. p. 50. Mr. Speaker. [Provided the House do not sit till a very late hour in the evening when there has been a morning sitting.]

Proposals.	References.
28. After notice, unopposed Bills to be moved for at time for making motions for unopposed Returns, and leave given without debate.	SELECT COMMITTEE 1871. p. iii. Report. p. 10 (Question 85). Sir T. E. May. p. 12 (Questions 113, 114). Sir T. E. May.
29. Power of giving notices in advance to be limited to a term of 15 or 16 days.	SELECT COMMITTEE 1837. p. 6, Report.
30. Orders of the Day should not be fixed for a more distant day than a month.	SELECT COMMITTEE 1878. p. iv. Report Resolution (2). p. 11 (Questions 91-103). Sir T. E. May. p. 14 (Question 114). Sir T. E. May. [Ballot for precedence of Orders would be necessary.] (Questions 115, 116, 117). Sir T. E. May. [Would not apply ballot to any other day but Wednesday.] p. 65 (Question 605). Mr. Speaker. [Would over-crowd Order Book on open Wednesdays. It would be necessary to ballot with reference to fixing Orders on open Wednesdays, or to lay down rule that Orders should not be postponed.]
31. Orders of the Day in the hands of private Members to have precedence over Notices of Motion on Tuesdays, after 1st of June.	SELECT COMMITTEE 1878. p. x. Proceedings. Mr. Knatchbull-Hugessen. p. 12 (Question 104). Sir T. E. May. p. 65 (Question 608). Mr. Speaker. p. 66 (Question 609). Mr. Speaker.
32. Bills not Government Bills, which	SELECT COMMITTEE 1878. p. x. Proceedings. Mr. Knatchbull-Hugessen.

Proposals.	References.
have not been read a second time before 1st of July, to be removed from Order Book.	p. 12 (Questions 105, 106). Sir T. E. May. [A good suggestion, but would require limitation.] p. 65 (Question 605). Mr. Speaker. p. 74 (Questions 704, 705). Mr. Speaker. [Might be desirable, provided power was left to the House in special cases to allow a Bill to be proceeded with.]
33. After 1st of June, Bills other than Government Bills standing for Third Reading to take precedence of Bills for Report, and Bills for Report of Bills for Committee, and Bills for Committee of Bills for Second Reading.	p. iv. Report Resolution (3). p. 21 (Question 198). Sir T. E. May. p. 68 (Question 627). Mr. Speaker. [Would like to see the proposal tried].
34. Power to suspend Bills from one Session to another.	Select Committee 1848. p. viii. Report. [Parliamentaay Proceedings Adjournment Bill not recommended by Committee.] Select Committee 1861. p. ix. Report. [Reasons against.] pp. 17-18 Mr. Speaker. [Ditto]
35. Facilities to be given for re-introduction of a Bill that has passed through one House in the preceding Session.	Select Committee House of Lords 1861. pp. 3, 4. Report. Joint Committee 1869. p. 21. Sir T. E. May. p. 23. Lord Eversley. p. 23. Lord Redesdale.
36. A Bill that has passed Third Reading in either House should be taken to other	Select Committee 1878. p. 69 (Question 638). Mr. Speaker. A question of policy rather than one of the conduct of the business of the House.

Proposals.	References.
House at the beginning of the next Session.	(Question 641). Mr. Speaker. [Would not greatly facilitate progress of business.]
37. To limit the time during which a Member may speak.	Select Committee 1848. p. 11. Mr. Speaker. [If you fix the duration of the debate; otherwise it would only multiply the number of speakers without shortening the debates. I have no doubt, if Members could confine their speeches to half-an-hour, they would be much improved in quality.] pp. 20, 21. Mr. Curtis. ["The one-hour rule" in the United States.] p. 26. Mr. J. Randall. [Ditto.] p. 27. Mons. F. P. G. Guizot. [*Clôture* in France.]
38. It may be necesssary to limit the right which Members have to speak frequently in Committee.	Select Committee 1878. p. 84 (Question 814). Mr. Raikes. [Except mover of an Amendment or Member in charge of a Bill.] p. 125 (Question 1209). Mr. Raikes.
39. Long Division might be avoided by requiring the party who challenge the Speaker's decision to rise in their places.	Select Committee 1871. p. 8 (Question 64). Sir T. E. May. [If it did not amount to a fixed number, say 21, there should be no division.] Select Committee 1878. pp. iv. to v. Report Resolution (7). [In certain Motions for Adjournment, or Reporting Progress, Speaker or Chairman to call on the "Ayes" to rise in their places; and if it appears that they are less than 20, while the "Noes" exceed 40, Division shall not take place and Motion shall be declared to be lost.] p. 27 (Questions 258-262). Sir T. E. May. pp. 60-62 (Questions 578 to 603). Mr. Speaker.

Proposals.	References.
	p. 62 (Questions 598 to 601). Mr. Speaker. [Application of this proposal to divisions on any question might lead to confusion.]
	p. 83 (Question 812). Mr. Raikes.
40. Division on main question should be taken after two dilatory motions had been defeated.	Select Committee 1878.
	p. 84 (Question 813). Mr. Raikes.
41. Member named by the Speaker or Chairman of Committee of the whole House as disregarding the authority of the Chair or abusing the rules of the House, by persistent and wilful obstruction, to be suspended during remainder of sitting.	Select Committee 1878.
	p. iv. Report Resolution (6).
	p. 111 (Questions 1044-1355). Mr. Raikes.
	p. 140 (Questions 1356-1534). Mr. Speaker.
42. Strangers not to be directed to withdraw except on Question put and agreed to without debate.	Select Committee 1871.
	p. iii. Report.
	p. 9. (Question 76). Sir T. E. May.
	p. 29 (Question 299). Mr. Speaker.
	Select Committee 1878.
	pp. 31-32 (Questions 296, 297). Sir T. E. May.
	p. 79 (Questions 767-782). Mr. Speaker.
43. Parliament should assemble not later than last week in November.	Select Committee.
	p. iii. Report.
	p. 36 (Question 372). Mr. Speaker. [Time of separatings hould also be fixed, as in the United States.]
44. Opposed Private Bills to be referred to Joint Committee of both Houses.	Joint Committee 1869.
	pp. 9, 10. Sir T. E. May.

REMARKS on the CONDUCT of BUSINESS in the HOUSE of COMMONS, contained in an Article in the EDINBURGH REVIEW, Vol. XCIX.—1854. Attributed to Sir T. ERSKINE MAY.

Page 243. Defective Organization—Insufficient Division of Labour—Indefinite facilities for Obstructive Debate. Sir John Pakington says, "We have outgrown our forms."

Page 244. "True faith has been mixed with idolatry."

Page 248. Long Session, 1852-3.

Page 261. Once in Committee on a subject Speaker leaves Chair as a matter of course without debate, except in Committee on Ways and Means. Why not remove exception with precautions?

Pages 263–4. Speaker in 1848 proposed that motions of adjournment should be without debate, and only allowed to be renewed at intervals of an hour, and only on demand of 21 Members.—Restrictions on debate in France and America.

Pages 269–71. Committee of whole House.—Substitute suggested.—Work done impatiently and badly.

Page 273. Description of the manufacture and maiming of an Act of Parliament.

Page 278. Proposed revision of Amendments by draftsman under supervision of Proposer and Seconder.